

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NATIONAL PARKS CONSERVATION  
ASSOCIATION,

Plaintiff,

v.

U.S. DEPARTMENT OF THE NAVY,

Defendant.

C19-645 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) In this action brought under the Freedom of Information Act, defendant United States Department of the Navy (“Navy”) has invoked Exemption 3 to withhold two sets of responsive documents while awaiting a determination from the Secretary of Defense concerning whether these items constitute Department of Defense “critical infrastructure security information” (“DCRIT”). The two groups of materials are: (i) 46 documents containing data that resides within the Navy’s Data Collection and Scheduling Tool (“DCAST”) and Sierra Hotel Aviation Readiness Program (“SHARP”) information technology systems; and (ii) 77 records containing information from the Federal Aviation Administration Performance Data Analysis and Reporting System (“PDARS”). As to the DCAST/SHARP and PDARS materials, the Court deferred ruling on the parties’ cross-motions for summary judgment and stayed this matter until further order. *See* Order at 14 (docket no. 69). The Court has resolved all other issues in this case. *See id.*; *see also* Order (docket no. 50). While this litigation has been stayed, the Navy has filed three declarations, *see* docket nos. 71, 73, & 75, the latest of which indicates that, under authority delegated to him by the Secretary of Defense, the Director of Administration and Management has issued a written DCRIT determination regarding

1 the 46 DCAST/SHARP records. *See* Wallace Decl. at ¶¶ 6–8 & Ex. A (docket no. 75 &  
2 75-1). The Navy has engaged with the Office of the Secretary of Defense, but has not yet  
3 received a DCRIT determination relating to the 77 PDARS documents, which would  
4 likely be redundant of an earlier DCRIT finding. *See* Haagensen Decl. at ¶¶ 12–14  
5 (docket no. 71); Haagensen Decl. at ¶¶ 11–12 (docket no. 73); *see also* Order at 6 (docket  
6 no. 69). The parties are DIRECTED to meet and confer and to file a Joint Status Report  
7 within twenty-eight (28) days of the date of this Minute Order addressing: (i) the status  
8 of the deferred portions of the parties’ cross-motions, docket nos. 27 & 32, with respect  
9 to the DCAST/SHARP materials; (ii) the expected date of a renewed DCRIT decision  
10 about the 77 PDARS records; (iii) whether the stay of this matter should remain in place  
11 or be lifted; and (iv) if the case remains stayed, whether the parties should be required to  
12 periodically file Joint Status Reports and on what timing.

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14 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
15 record.

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17 Dated this 30th day of August, 2021.

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Ravi Subramanian  
Clerk

s/Gail Glass  
Deputy Clerk